



Roinn an Taoisigh
Department of the Taoiseach

27 March 2019.

Our Reference: AIE/2018/0008

Right to Know,
25 Herbert Place,
Dublin 2.

Dear Right to Know,

I am writing further to previous correspondence concerning the AIE request you submitted to this Department on 4 October 2018, in which you stated you wished to be provided with the following in relation to the cabinet committee that is overseeing the high-level steering group responsible for the national mitigation plan and the national adaptation framework.

1. Identify the membership of Committee including anyone invited to attend who is not a member (for example officials or external consultants).
2. The terms of reference (or similar) for the committee
3. All agendas for committee meetings from 1 January 2017 to date
4. All meeting minutes from 1 January 2017 to date
5. All reports, presentations and other documents that have been considered by the committee from 1 January 2017 to date
6. All reports to Cabinet from 1 January 2017

I understand from the Office of the Commissioner for Environmental Information that it has accepted your appeal against the decision made by this Department. As no internal review decision was made by the Department, the Commissioner's Office has asked that the Department write to you now to set out its position on your request.

I now wish to confirm that the schedule attached provides an overview of the Department's position in relation to each record identified by the Department within the scope of your request. Further details concerning the Department's position are set out as follows.

Part 1 of Request - Membership of Committee including anyone invited to attend who is not a member (for example officials or external consultants)

Records 1 and 2 – The Department's decision fully released the information sought in relation to the membership of the two Cabinet Committees concerned with providing oversight to the high-level steering group responsible for the national mitigation plan and the national adaptation framework, i.e. i) Cabinet Committee D which was established by the current Government and ii) the Cabinet Committee on Infrastructure, Environment and Climate Action which was established by the previous Government and lapsed when it ended.

Part 2 of Request – The terms of reference (or similar) for the committee.

Records 3, 4 and 5 - The Department's decision fully released the information sought in relation to the terms of reference of the two Cabinet Committees concerned with providing oversight to the high-level steering group responsible for the national mitigation plan and the national adaptation framework, as referred to in the reply to part 1 of your request.

Part 3 of the Request – All agendas for committee meetings from 1 January 2017

Records, 6, 7, 8, 9 and 10 are covered by this part of your request. The following sections in the Regulations are relevant in considering whether they should be released.

8 (a) (iv) – under this section public authorities are enabled to refuse records where disclosure of the information requested would adversely affect the confidentiality of proceedings of public authorities, where such confidentiality is otherwise protected by law (including the Freedom of information Acts with respect to exempt records within the meaning of those Acts). This exemption is relevant in this instance because I consider that the agenda for a Cabinet Committee may be refused under section 28 (1) (b) of the Freedom of Information Act 2014 as it is a record of Government, less than 5 years old, other than a record by which a decision of the Government is published by or on behalf of the Government.

9 (2) (d) – under this section public authorities are enabled to refuse records concerning internal communications of public authorities, taking into account the public interest served by disclosure. I consider that a Cabinet Committee agenda comes within the meaning of the internal communications of a public authority.

Article 10 (1) of the AIE Regulations which provides that notwithstanding article 8, a request for environmental information shall not be refused where the request relates to information on emissions into the environment.

In addition, article 10 (1) is itself subject to further sub-articles in article 10. Article 10 (2) states a reference in sub-article (1) to information on emissions into the environment shall not include a reference to any discussion on the matter of such emissions at any meeting of the Government. The records in question here do not refer to emissions into the environment and article 10 (2) does not apply.

Article 10 (3) provides that a public authority shall consider each request on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

Article 10 (4) states that the grounds for refusal of a request for environmental information shall be interpreted on a restrictive basis having regard to the public interest served by disclosure.

Article 10 (5) provides that nothing in article 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.

A public interest test has also been completed for each of the records under this part of your request as follows.

Record 6

The Department is withholding record 6, an agenda for a Cabinet Committee meeting held on 1 February 2018.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet Committee agendas can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

- Cabinet Committee agendas comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet Committee agenda in question in this record adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (a) (iv) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in February 2018, which is less than five years ago.

Record 7

The Department is withholding record 7, an agenda for a Cabinet Committee meeting held on 23 November 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet Committee agendas can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

- Cabinet Committee agendas comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet Committee agenda in question in this record adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (a) (iv) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in February 2018, which is less than five years ago.

Record 8

The Department is withholding record 8, an agenda for a Cabinet Committee meeting held on 12 September 2017. The factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:

- *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet Committee agendas can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

- Cabinet Committee agendas comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet Committee agenda in question in this record adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (a) (iv) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in February 2018, which is less than five years ago.

Record 9

The Department is withholding record 9, an agenda for a Cabinet Committee meeting held on 15 May 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet Committee agendas can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

- Cabinet Committee agendas comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet Committee agenda in question in this record adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (a) (iv) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in February 2018, which is less than five years ago.

Record 10

The Department is withholding record 10, an agenda for a Cabinet Committee meeting held on 30 January 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet Committee agendas can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record that taken into account are as follows:

- Cabinet Committee agendas comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet Committee agenda in question in this record adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (a) (iv) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in February 2018, which is less than five years ago.

Part 4 of Request – All meeting minutes from 1 January 2017

Records 11, 12, 13 14 and 15 are covered by this part of your request

The minutes of Cabinet Committee meetings contain details of discussions at Cabinet Committees, as do the records covered by Part 5 of your request, while Part 6 of your request contains details of discussions at meetings of the Government.

The definition of environmental information in the regulations is:

- “any information in written, visual, aural, electronic or any other material form on -
- a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements,
 - b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment,
 - c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the

- elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements,
- d) reports on the implementation of environmental legislation,
 - e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (c), and
 - f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are, or may be, affected by the state of the elements of the environment referred to in paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c)".

The Department considers that while the definition of environmental information clearly extends beyond hard information on the state of the environment and factors affecting the environment in subparagraphs (a) and (b), to policy material in subparagraphs (c) and (d), Cabinet Committee discussions, consisting as they do of the views of members of the Government at a Cabinet Committee, as opposed to factual information, do not fall within the scope of the definition of environmental information.

More generally, the judgement in *Attorney General v Hamilton* made clear that the protection afforded by Article 28 of the Constitution in relation to Cabinet discussions is to facilitate "full, free and frank discussion between members of the Government prior to the making of decisions." This is very different to the 'measures ... policies, legislation, plans, programmes' in the definition of environmental information which clearly refer to the outcome, rather than the process of decision making.

The Department is also aware that in case number CEI/18/0010 (*Ryall and the Department of the Taoiseach*) the Commissioner for Environmental Information did not agree with the Department's view that Cabinet discussions are not environmental information. However, the Department is defending its position on this issue in judicial proceedings *Right to Know* has brought against it (Ref: 2018/942JR).

Notwithstanding the above view, if, in the alternative, the records comprising Cabinet committee discussions or discussions at meetings of the Government were to be considered as falling within the definition of environmental information as defined in the AIE Regulations, in considering release, particular regard has to be had to article 9 (2) (d) of the AIE Regulations which provides a discretionary ground for refusal of information where it concerns internal communications of public authorities, taking into account the public interest served by disclosure. The Department considers Cabinet Committee discussions to be internal communications of public authorities and that their release depends on the outcome of the public interest test required by this article.

Regard is also required in relation to article 8 (b) of the AIE Regulations, which provides that a public authority shall not make available environmental information to the extent that it would involve the disclosure of discussions at one or more meetings of the Government. This ground mandates a refusal under the AIE Regulations, subject to article 10. Article 10 (1) of the AIE Regulations provides that notwithstanding article 8, a request for environmental information shall not be refused where the request relates to information on emissions into the environment. As the record in question here does not refer to emissions into the environment article 10 (1) does not apply.

In addition, article 10 (1) is itself subject to further sub-articles in article 10. Article 10 (2) states a reference in sub-article (1) to information on emissions into the environment shall not include a reference to any discussion on the matter of such emissions at any meeting of the Government.

Article 10 (3) provides that a public authority shall consider each request on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

Article 10 (4) states that the grounds for refusal of a request for environmental information shall be interpreted on a restrictive basis having regard to the public interest served by disclosure.

Article 10 (5) provides that nothing in article 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.

Details of the public interest tests completed in relation to records 11, 12, 13, 14 and 15 are set out beneath.

Record 11

This record contains the minutes of the meeting of Cabinet Committee D that was held on 1 February 2018.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet committee discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

- Cabinet committee discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified

circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions.*”
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet committee discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
 - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.*”
 - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.*”
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records should be considered so as to give Ministers some assurance that they can commit views freely to the record and that those views will not automatically be divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet committee discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, the Department has also taken into account the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of the request on a restrictive basis having regard to the public interest served by disclosure. The Department has also taken article 10 (5) of the regulations into account and particular regard has been had to the fact that the record was created in February 2018, which is less than five years ago.

Record 12

This record contains the minutes of the meeting of Cabinet Committee D that was held on 23 November 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet committee discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record that I have taken into account are as follows:

- Cabinet committee discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions.”*
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet committee discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
 - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or*

dissenting views held by the members of the Government prior to the making of decisions.”

- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.”*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records should be considered so as to give Ministers some assurance that they can commit views freely to the record and that those views will not automatically be divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet committee discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, the Department has also taken into account the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of the request on a restrictive basis having regard to the public interest served by disclosure. The Department has also taken article 10 (5) of the regulations into account and particular regard has been had to the fact that the record was created in November 2017, which is less than five years ago.

Record 13

This record contains the minutes of the meeting of Cabinet Committee D that was held on 12 September 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.

- The release to the public of Cabinet committee discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record that I have taken into account are as follows:

- Cabinet committee discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions.*”
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet committee discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
 - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.*”
 - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.*”
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records should be considered so as to give Ministers some assurance that they can commit views freely to the record and that those views will not automatically be divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.

- Whether the Cabinet committee discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, the Department has also taken into account the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. The Department has also taken article 10 (5) of the regulations into account and particular regard has been had to the fact that the record was created in September 2017, which is less than five years ago.

Record 14

This record contains the minutes of the meeting of Cabinet Committee D that was held on 15 May 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet committee discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record that I have taken into account are as follows:

- Cabinet committee discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions.*”
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet committee discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
 - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.*”
 - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.*”
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records should be considered so as to give Ministers some assurance that they can commit views freely to the record and that those views will not automatically be divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet committee discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, the Department has also taken into account the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. The Department has also taken article 10 (5) of the regulations into account and particular regard has been had to the fact that the record was created in May 2017, which is less than five years ago.

Record 15

This record contains the minutes of the meeting of Cabinet Committee D that was held on 30 January 2017.

The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:

- *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet committee discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

- Cabinet committee discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions.”*
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet committee discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
 - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.”*
 - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the*

Government as envisaged by the Constitution would be undermined perhaps even destabilised.”

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records should be considered so as to give Ministers some assurance that they can commit views freely to the record and that those views will not automatically be divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the Cabinet committee discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, the Department has also taken into account the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. The Department has also taken article 10 (5) of the regulations into account and particular regard has been had to the fact that the record was created in January 2017, which is less than five years ago.

Part 5 of Request – All reports, presentations and other documents that have been considered by the Committee from 1 January 2017 to date

Records 16 and 17 are covered by this part of your request.

The definition of environmental information in the regulations is:

“any information in written, visual, aural, electronic or any other material form on -

- a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements,
- b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment,
- c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements,
- d) reports on the implementation of environmental legislation,
- e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (c), and
- f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are, or may be, affected by the state of the elements of the environment referred to in paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c)”.

The Department considers that while the definition of environmental information clearly extends beyond hard information on the state of the environment and factors affecting the environment in subparagraphs (a) and (b), to policy material in subparagraphs (c) and (d), Cabinet Committee discussions, consisting as they do of the views of members of the Government at a Cabinet Committee, as opposed to factual information, do not fall within the scope of the definition of environmental information.

More generally, the judgement in *Attorney General v Hamilton* made clear that the protection afforded by Article 28 of the Constitution in relation to Cabinet discussions is to facilitate “full, free and frank discussion between members of the Government prior to the making of decisions.” This is very different to the ‘measures ... policies, legislation, plans, programmes’ in the definition of environmental information which clearly refer to the outcome, rather than the process of decision making.

The Department is also aware that in case number CEI/18/0010 (*Ryall and the Department of the Taoiseach*) the Commissioner for Environmental Information did not agree with the Department’s view that Cabinet discussions are not environmental information. However, the Department is defending its position on this issue in judicial proceedings *Right to Know* has brought against it (Ref: 2018/942JR).

Notwithstanding the above view, if, in the alternative, the records comprising Cabinet committee discussions or discussions at meetings of the Government were to be considered as falling within the definition of environmental information as defined in the AIE Regulations, in considering release, particular regard has to be had to article 9 (2) (d) of the AIE Regulations which provides a discretionary ground for refusal of information where it concerns internal communications of public authorities, taking into account the public interest served by disclosure. The Department considers Cabinet Committee discussions to be internal communications of public authorities and that their release depends on the outcome of the public interest test required by this article.

Regard is also required in relation to article 8 (b) of the AIE Regulations, which provides that a public authority shall not make available environmental information to the extent that it would involve the disclosure of discussions at one or more meetings of the Government. This ground mandates a refusal under the AIE Regulations, subject to article 10. Article 10 (1) of the AIE Regulations provides that notwithstanding article 8, a request for environmental information shall not be refused where the request relates to information on emissions into the environment. As the record in question here does not refer to emissions into the environment article 10 (1) does not apply.

In addition, article 10 (1) is itself subject to further sub-articles in article 10. Article 10 (2) states a reference in sub-article (1) to information on emissions into the environment shall not include a reference to any discussion on the matter of such emissions at any meeting of the Government.

Article 10 (3) provides that a public authority shall consider each request on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

Article 10 (4) states that the grounds for refusal of a request for environmental information shall be interpreted on a restrictive basis having regard to the public interest served by disclosure.

Article 10 (5) provides that nothing in article 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.

Details of the public interest tests completed in relation to records 16 and 17 are set out beneath.

Record 16

Record 16 is a document that was submitted to the Cabinet Committee for its meeting on 15 May 2017 regarding the National Climate Mitigation Plan.

In considering whether to release this record a public interest test has been completed. The public interest factors taken into account in favour of release are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record are as follows:

- Documents discussed at Cabinet Committee meetings comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the document adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. It is noted that the National Mitigation Plan has been published and is available on the website of the Department of Communications, Climate Action and Environment.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in May 2017, which is less than five years ago.

Record 17

Record 17 is draft briefing document on Ireland's first National Mitigation plan that was submitted to the Cabinet Committee for its meeting on 30 January 2017.

In considering whether to release this record a public interest test has been completed. The public interest factors taken into account in favour of release of the record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way ...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet Committee agendas can shed light on the factors taken into account by the Government when making decisions.

The factors against release of the record taken into account are as follows:

The factors against release of the record that I have taken into account are as follows:

- documents discussed at Cabinet Committee meetings comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- To protect the exercise of collective responsibility of the Government, a moratorium on the release of Cabinet records should be considered. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the possibility of withholding records less than 5 years old.
- Whether the document adds significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. It is noted that the Briefing Document on the National Mitigation Plan has been published and is available on the website of the Department of Communications, Climate Action and Environment.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and is refusing its release under articles 8 (b) and 9 (2) (d) of the regulations. In reaching this decision, account has been taken of the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure. Account has also been taken of article 10 (5) of the regulations and particular regard has been had to the fact that the record was created in January 2017, which is less than five years ago.

Part 6 of request – All reports to Cabinet from January 2017

Records 18 to 22 are covered by this part of your request.

The definition of environmental information in the regulations is:

“any information in written, visual, aural, electronic or any other material form on -

- a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements,
- b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment,
- c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements,
- d) reports on the implementation of environmental legislation,
- e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (c), and
- f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are, or may be, affected by the state of the elements of the environment referred to in paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c)”.

The Department considers that while the definition of environmental information clearly extends beyond hard information on the state of the environment and factors affecting the environment in subparagraphs (a) and (b), to policy material in subparagraphs (c) and (d), Cabinet discussions, consisting as they do of the views of members of the Government at Cabinet, as opposed to factual information, do not fall within the scope of the definition of environmental information.

More generally, the judgement in *Attorney General v Hamilton* made clear that the protection afforded by Article 28 of the Constitution in relation to Cabinet discussions is to facilitate “full, free and frank discussion between members of the Government prior to the making of decisions.” This is very different to the ‘measures ... policies, legislation, plans, programmes’ in the definition of environmental information which clearly refer to the outcome, rather than the process of decision making.

The Department is also aware that in case number CEI/18/0010 (Ryall and the Department of the Taoiseach) the Commissioner for Environmental Information did not agree with the Department's view that Cabinet discussions are not environmental information. However, the Department is defending its position on this issue in judicial proceedings Right to Know has brought against it (Ref: 2018/942JR).

Notwithstanding the above view, if, in the alternative, the records comprising Cabinet discussions were to be considered as falling within the definition of environmental information as defined in the AIE Regulations, in considering release, particular regard has to be had to article 9 (2) (d) of the AIE Regulations which provides a discretionary ground for refusal of information where it concerns internal communications of public authorities, taking into account the public interest served by disclosure. The Department considers Cabinet discussions to be internal communications of public authorities and that their release depends on the outcome of the public interest test required by this article.

Regard is also required in relation to article 8 (b) of the AIE Regulations, which provides that a public authority shall not make available environmental information to the extent that it would involve the disclosure of discussions at one or more meetings of the Government. This ground mandates a refusal under the AIE Regulations, subject to article 10. Article 10 (1) of the AIE Regulations provides that notwithstanding article 8, a request for environmental information shall not be refused where the request relates to information on emissions into the environment. As the record in question here does not refer to emissions into the environment article 10 (1) does not apply.

In addition, article 10 (1) is itself subject to further sub-articles in article 10. Article 10 (2) states a reference in sub-article (1) to information on emissions into the environment shall not include a reference to any discussion on the matter of such emissions at any meeting of the Government.

Article 10 (3) provides that a public authority shall consider each request on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

Article 10 (4) states that the grounds for refusal of a request for environmental information shall be interpreted on a restrictive basis having regard to the public interest served by disclosure.

Article 10 (5) provides that nothing in article 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.

Details of the public interest tests completed in relation to records 18 to 22 are set out beneath.

Record 18

Record 18 is a Memorandum for Government dated 26 March 2018 regarding Development of Sectoral Adaptation Plans under the Climate Action and Low Carbon Development Act 2015 and new Governance Arrangements to Apply for National Coordination.

The public interest factors taken into account in favour of release of this record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions.”*
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
 - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.”*
 - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the*

Government as envisaged by the Constitution would be undermined perhaps even destabilised.”

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure.

Having fully considered the factors for and against disclosure stated above, it is considered that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, account has been taken of the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal. In addition, the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure have been considered and article 10 (5) of the regulations has also been taken into account. It has also been taken into account that this record is less than five years old.

Record 19

Record 19 is a Memorandum for Government dated 15 December 2017 regarding Approval and Publication of the National Adaptation Framework.

The public interest factors taken into account in favour of release of this record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE

Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions.*”
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
 - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.*”
 - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.*”
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. It is noted that the NAF is published and is available on the website of the Department of Communications, Climate Action and Environment.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, account has been taken of the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal. In addition, the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure have been considered and article 10 (5) of the regulations has also been taken into account. IT has also been taken into account that this record is less than five years old.

Record 20

Records 20 is a Memorandum for Government dated 23 June 2017 regarding Publication of Draft National Mitigation Plan.

The public interest factors taken into account in favour of release of this record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions.”*
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could

undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:

- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.”*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.”*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. It is noted that the National Mitigation Plan has been published and is available on the website of the Department of Communications, Climate Action and Environment.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, account has been taken of the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal. In addition, the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure have been considered and article 10 (5) of the regulations has also been taken into account. IT has also been taken into account that this record is less than five years old.

Record 21

Record 21 is a Memorandum for Government dated 6 March 2017 regarding Publication of Draft National Mitigation Plan for Public Consultation.

The public interest factors taken into account in favour of release of this record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free*

- exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
 - The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
 - The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions.”*
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
 - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.”*
 - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.”*

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. It is noted that the National Mitigation Plan has been published and is available on the website of the Department of Communications, Climate Action and Environment.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, account has been taken of the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal. In addition, the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure have been considered and article 10 (5) of the regulations has also been taken into account. It has also been taken into account that this record is less than five years old and that the National Mitigation Plan has been published and is available from the website of the Department of Communications, Climate Action and Environment.

Record 22

Record 22 is a Memorandum for Government dated 6 March 2017 regarding Publication of Briefing Documents on the Development of the National Mitigation Plan.

The public interest factors taken into account in favour of release of this record are:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
 - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”*
 - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions.
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions.

The factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions.*”
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
 - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions.*”
 - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views.... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even destabilised.*”
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. It is noted that the Briefing Document on the National Mitigation Plan has been published and is available on the website of the Department of Communications, Climate Action and Environment.

Having fully considered the factors for and against disclosure stated above, the Department considers that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, account has been taken of the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal. In addition, the requirements of article 10 (4) of the regulations to interpret the grounds for refusal of a request on a restrictive basis having regard to the public interest served by disclosure have been considered article 10 (5) of the regulations have also been taken into account.

It has also been taken into account that this record is less than five years old and that the National Mitigation Plan has been published and is available from the website of the Department of Communications, Climate Action and Environment.

Yours faithfully,

A handwritten signature in cursive script, reading "Anthony Cummins".

Anthony Cummins
Assistant Principal Officer

Tel: 01 6194504

Email: anthony.cummins@taoiseach.gov.ie

Appendix I: AIE request No. 2018/0008 – Schedule of Records

Part 1: Identify the membership of the committee including anyone invited to attend who is not formally a member (for example officials or external consultants).

1.	Membership of Cabinet Committee D (CC D) which covers, inter alia, infrastructure investment, housing, and climate action. Please note that Secretaries General and/or a nominated official/s (topic dependent) are invited to attend with Ministers. The Assistant Secretary of the Economic Division, D/Taoiseach is Secretary to the Committee.	July 2017	Released	
		Available from: www.taoiseach.gov.ie/DOT/eng/Taoiseach_and_Government/Cabinet_Committees/Cabinet_Committee_D_Infrastructure.html		
2.	Membership of the Cabinet Committee on Infrastructure, Environment & Climate Action (CC IECA). Please note that Secretaries General and/or a nominated official/s (topic dependent) are invited to attend with Ministers. The Assistant Secretary of the Economic Division, D/Taoiseach was Secretary to the Committee.	May 2016	Released	

Part 2: The terms of reference (or similar) for the committee

3.	Overview of work of Cabinet Committees	06.11.18	Released	
		Available from: www.taoiseach.gov.ie/eng/Taoiseach_and_Government/Cabinet_Committees/Cabinet_Committees_of_the_31st_Government.html		
4.	Overview of work of CC D Extract: Oral reply to PQ on Cabinet Committee D (Infrastructure), 23 October 2018	23.10.18	Released	
		Available from: www.oireachtas.ie/en/debates/debate/dail/2018-10-24/17/#s19		
5.	Overview of work of CC IECA Extract: Oral reply to PQ on the Cabinet committee on infrastructure, environment and climate action, 23 May 2017	23.05.17	Released	
		Available from: www.oireachtas.ie/en/debates/question/2017-05-23/2/?highlight%5B0%5D=cabinet&highlight%5B1%5D=committee&highlight%5B2%5D=infrastructure&highlight%5B3%5D=environment&highlight%5B4%5D=climate&highlight%5B5%5D=action		

Part 3: All agendas for committee meetings from 1 January 2017 to date (4 October 2018)

6.	Agenda, CC D, 1 February 2018	01.02.18	Withheld	Exempt under 8 (a) (iv) and 9 (2) (d) of the AIE Regulations
7.	Agenda, CC D, 23 November 2017	23.11.17	Withheld	Exempt under 8 (a) (iv) and 9 (2) (d) of the AIE Regulations

8.	Agenda, CC D, 12 September 2017	12.09.17	Withheld	Exempt under 8 (a) (iv) and 9 (2) (d) of the AIE Regulations
9.	Agenda, CC IECA, 15 May 2017	15.05.17	Withheld	Exempt under 8 (a) (iv) and 9 (2) (d) of the AIE Regulations
10.	Agenda, CC IECA, 30 January 2017	30.01.17	Withheld	Exempt under 8 (a) (iv) and 9 (2) (d) of the AIE Regulations

Part 4: All meeting minutes from 1 January 2017 to date (4 October 2018)

11.	Note, CC D, 1 February 2018	01.02.18	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
12.	Note, CC D, 23 November 2017	23.11.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
13.	Note, CC D, 12 September 2017	12.09.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
14.	Note, CC IECA, 15 May 2017	15.05.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
15.	Note, CC IECA, 30 January 2017	30.01.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations

Part 5: All reports, presentations and other documents that have been considered by the committee from 1 January 2017 to date (4 October 2018)

16.	National Mitigation Plan Update (CC IECA, 15 May 2017)	15.05.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
17.	Draft Briefing Document on Ireland's First National Mitigation Plan (CC IECA, 30 January 2017)	30.01.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
The final briefing document on the NMP is available from: www.dccae.gov.ie/en-ie/climate-action/consultations/Documents/4/consultations/National%20Mitigation%20Plan%20Briefing%20Document.pdf				

Part 6: All reports to Cabinet from 1 January 2017 to date (4 October 2018)

18.	Memo for Government: Development of Sectoral Adaptation Plans under the Climate Action and Low Carbon Development Act 2015 and new Governance Arrangements to Apply for National Coordination	26.03.18	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
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19.	Memo for Government: Approval and Publication of the National Adaptation Framework	15.12.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
		The NAF is available from: www.dccae.gov.ie/documents/National%20Adaptation%20Framework.pdf		
20.	Memo for Government: Publication of Draft National Mitigation Plan	23.06.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
		The NMP is available from: www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf		
21.	Memo for Government: Publication of Draft National Mitigation Plan for Public Consultation	06.03.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
		As noted above the NMP is available from: www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf		
22.	Memo for Government: Publication of Briefing Document on the Development of the National Mitigation Plan	27.01.17	Withheld	Exempt under 8 (b) and 9 (2) (d) of the AIE Regulations
		As noted above, the briefing document on the NMP is available from: www.dccae.gov.ie/en-ie/climate-action/consultations/Documents/4/consultations/National%20Mitigation%20Plan%20Briefing%20Document.pdf		